

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim Status

Claim 1 is currently being amended.

Claim 19 is being added to further define the invention.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-19 are now pending in this application, with claims 1-6 and 19 forming the group of claims elected for examination.

Double Patenting

In the Office Action, claims 1-6 were rejected for alleged obviousness-type double patenting "over all of the claims filed in" a cited list of 21 pending applications. Applicant notes that the rejection is conclusory and provides no identification of the differences between the inventions much less any explanation of why those differences would be obvious to one of ordinary skill in the art. See MPEP 804.II.B.1. Furthermore, the rejection is assumed to be "provisional" since only pending applications are involved. Accordingly, Applicant will address this provisional double patenting issue, if still present, upon allowance of the claims of the cited pending applications.

35 U.S.C. § 112

Also in the Office Action, claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. In view of the amendments

to claim 1 and for at least the following reasons, this rejection has been overcome. The terms "maximum number of supplier sources", "pricing method" and "invoice adjustment" are sufficiently described in and supported by the specification on page 275 and in figure 182. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112.

35 U.S.C. § 103

In the Office Action, claims 106 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shavit et al. (U.S. Patent No. 4,799,156) in view of a Microsoft Computer Dictionary and the Examiner's Official Notice. In view of the amendments to independent claim 1, from which the remaining claims depend, and for at least the following reasons, this rejection is respectfully overcome.

The Office Action asserts that Shavit et al. disclose the claimed step of "maintaining a plurality of separate versions of an analysis in a database." Applicant respectfully disagrees. The cited portions of the reference do not disclose, teach or suggest the maintaining of separate versions and an analysis in a database. Rather, as shown in one of the portions cited by the Office Action, the reference describes the handling of incoming mail (bids, shipping advisories and invoices) such that they are kept as printed documents and as computer files so they may be reviewed online (see col. 11, line 65 to col. 12, line 2). In contrast, in the present invention, separate versions of an analysis are maintained in a database and are available for use.

Furthermore, the "bids/quotes" of Shavit et al. as described by the Office Action are not readable on the plurality of separate versions of an analysis of the claimed invention. The separate versions of an analysis of the present invention refer to an analysis, such as a least costs analysis for a supply chain, that has been run multiple times with different parameters. For example, in one version, a fixed group of suppliers may each get an equal percentage of the needs of a distributor, while in another (separate) version of the same analysis, the

suppliers may have a unique but unequal distribution of percentages. This is quite different than a mere plurality of bids or quotes. Indeed, Shavit et al. is not directed to analysis version control, much less such control in a supply chain management framework.

In view of the foregoing, the rejection under 35 U.S.C. § 103(a) based on Shavit et al. should be reconsidered and withdrawn.

Claim 19

Claim 19 has been added to further define the present invention and, specifically, an embodiment thereof where a determination is made on whether to perform optimal product routing for a plurality of lanes in addition to the performance of supply chain analysis and version control thereof. This claim is believed to be allowable over the cited references based on its dependency from claim 1 and also in view of their further recitations.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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